



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLT:DMP
F.#2013R00887

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July 19, 2013

By ECF and Hand Delivery

The Honorable Allyne R. Ross
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. David Olukayode Ojo
Criminal Docket No. 13-334 (ARR)

Dear Judge Ross:

The government respectfully submits this letter to respond to two pro se motions filed by the defendant David Ojo on July 9 and July 16, 2013. As set forth below, the government respectfully submits that these motions should be denied.

As an initial matter, a defendant who is represented by counsel, as the defendant is in the instant case, has no right to have a pro se motion entertained by the Court. See, e.g., United States v. Bishop, No. 10-CR-113 (DLI), 2010 WL 984676, at *1 (E.D.N.Y. March 16, 2010) ("Absent invocation of the right to represent oneself without the assistance of counsel, defendants are not entitled to have pro se motions entertained by the court.") (citation omitted). Accordingly, the Court need not entertain these motions. Should the Court consider these motions in any event, they should be denied as without merit.

In the first pro se motion, filed on July 9, 2013, the defendant requests a bill of particulars. During the parties' most recent status conference on June 21, 2013, Mr. Savitt made an oral motion on the defendant's behalf for a bill of particulars. The Court denied that motion, noting that it saw no basis for granting such a request. The defendant's pro se motion provides no additional legal or factual basis for such a request. Accordingly, the government does not intend to submit a substantive response to this motion, and respectfully requests that the motion again be denied.

